APPENDIX A

IN THE
UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 71-2765
Summary Calendar*

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

versus

ALAN KLAES,
Defendant-Appellant.

Appeal from the United States District Court for the Southern District of Florida

(February 4, 1972)

Before BELL, DYER and CLARK,
Circuit Judges.

PER CURIAM: Klaes' sole contention is that only hearsay evidence was presented to the grand jury, and therefore the indictment should have been dismissed. This contention is without merit. See Costello v. United States, 350 U.S. 359, 76 S.Ct. 406, 100 L. Ed. 397 (1956); United States v. Gower, 447 F.2d 187 (5th Cir. 1971). The judgment is

AFFIRMED.

*Rule 18, 5th Cir.; see *Isbell Enterprises, Inc. v. Citizens Casualty Co. of N.Y.*, 431 F.2d 409, Part I (5th Cir. 1970).

APPENDIX B

UNITED STATES COURT OF APPEALS

FIFTH CIRCUIT

OFFICE OF THE CLERK

EDWARD W. WADSWORTH
Clerk

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FEBRUARY 28, 1972

TO ALL PARTIES LISTED BELOW

Re: No. 71-2765 — U. S. A. vs. Alan Klaes

Gentleman:

You are hereby advised that the Court has today entered an order denying the Petition( ) for Rehearing in the above case. No opinion was rendered in connection therewith. See Rule 41, Federal Rules of Appellate Procedure for issuance and stay of the mandate.

Very truly yours,

EDWARD W. WADSWORTH,
Clerk

By /s/ Carol A. Gaudet
Deputy Clerk

/cg

cc: Messrs. James J. Hogan
Alan E. Weinstein

Mr. Charles O. Farrar, Jr.